

Necessary plans prepared.

mission is authorized and directed to prepare the necessary plans therefor, which plans shall have the same force and effect, and shall fix said railroad company with like liability, as if said plans had been originally prepared and submitted by said railroad company, and the State Highway Commission shall proceed to construct said underpass or overpass or install such safety device in accordance therewith. An accurate account of

Accurate account of costs be kept.

the cost of said construction or installation shall be kept by the State Highway Commission and upon the completion of such work a statement of that portion thereof chargeable to such railroad company as set out in the order of the commission shall be rendered said railroad company. Upon the failure or refusal of said company to pay the bill so rendered, the Highway Commission shall recover the amount thereof by suit there-

May recover in an action in Superior Court of Wake County.

against said company in the Superior Court of Wake County: *Provided*, that the payment by such railroad company of said proportionate part may be made under such rules and regulations and by such method as the State Highway Commission may

If work done by highway commission, not to obstruct trains, etc.

provide. If the State Highway Commission shall undertake to do the work, it shall not obstruct or impair the operation of the railroad and shall keep the roadbed and tracks safe for the operation of trains at every stage of the work. That if said railroad company shall construct such underpass or overpass or shall install such safety devices in accordance with the order of the State Highway Commission, one-half of the cost of such construction shall upon the completion of said work be paid to

Rate of payment. Inspect and check expenditures.

such railroad company by the State Highway Commission. The State Highway Commission may inspect and check the expenditures for such construction or installation so made by the railroad company and an accurate account of the cost thereof shall upon the completion of said work be submitted to the commission by the railroad company. If the Highway Commission shall

May recover from highway commission in suit in Wake County.

neglect or refuse to pay that portion of the cost of said construction or installation chargeable to it, the railroad company shall recover the amount thereof by suit therefor against the Highway Commission in the Superior Court of Wake County.

Failure to comply with order highway commission; misdemeanor.

(e) If any railroad company so ordered by the State Highway Commission to construct an underpass or overpass or to install safety devices at grade crossings as hereinbefore provided for shall fail or refuse to comply with the order of the State Highway Commission requiring such construction or installation, said railroad company shall be guilty of a misdemeanor and shall be fined not less than fifty nor more than one hundred dollars in the discretion of the court for each day such failure or refusal shall continue, each said day to constitute a separate offense.

Each day separate offense.